

LAW OFFICES OF  
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Attorney for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	3:13-CR-00018-RCJ-WGC
Plaintiff,	)	
vs.	)	
GURPREET SINGH LAIL,	)	
Defendant.	)	

**MOTION FOR EARLY TERMINATION FROM PROBATION**

Defendant GURPREET SINGH LAIL, through his undersigned counsel, moves this Court for its Order permitting Mr. Lail's early termination from probation.

Mr. Lail respectfully suggests that he has already completed more than 80% of his two-year probation term that began September, 2014. Additionally, he believes that the Probation Office will confirm that he has diligently, completely and successfully performed the requirements of his probation since that time.

DATED: May 17, 2016.

/s/ Martin H. Wiener  
MARTIN H. WIENER  
Attorney for Defendant

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the LAW OFFICES of MARTIN H. WIENER, and that on May 17, 2016, a true and correct copy of the above and foregoing document was electronically filed and served on the person named below:

James Keller  
Assistant U.S. Attorney  
100 West Liberty St, Ste 600  
Reno, NV 89501

/s/ Barbara Oltman

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UNITED STATES OF AMERICA,	)	3:13-CR-00018-RCJ-WGC
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vs.	)	
GURPREET SINGH LAIL,	)	
Defendant.	)	

**SUPPLEMENT TO MOTION FOR  
EARLY TERMINATION FROM PROBATION (Doc #111)**

Defendant GURPREET SINGH LAIL, through his undersigned counsel, supplements his Motion (Doc #111, previously filed on May 17, 2016) for this Court's Order permitting Mr. Lail's early termination from probation.

**LEGAL AUTHORITIES**

This Court is authorized to terminate a term of felony probation and discharge the defendant at any time after the expiration of one year of probation, 18 U.S.C. §3564(c); Mr. Lail has completed almost two years. That rule requires that the Court: (1) consider the applicable factors set forth in 18 U.S.C. §3553(a); (2) comply with the probation modification provisions of the Federal Rules of Criminal Procedure (i.e., FRCrP 32.1(c)); and, (3) consider whether early termination, "is warranted by the conduct of the defendant and the interest of justice".

First, Mr. Lail respectfully suggests that the assertions in the Motion, and the

1 expected confirmation of those assertions by the United States Probation Office, satisfy  
2 requirement (3) in the preceding paragraph: that early termination, “is warranted by the  
3 conduct of the defendant and the interest of justice”, 18 U.S.C. §3564(c).

4 Second, Mr. Lail respectfully suggests that the required consideration of the  
5 applicable factors in 18 U.S.C. §3553(a) strongly merits his early termination from  
6 probation:

7 – because of the nature and circumstances of his conviction offense, his  
8 family characteristics, and his lack of any other criminal history

9 – because of the Court’s sentencing decision, unopposed by the  
10 prosecution, that probation adequately satisfied the requirements of subsections  
11 (a)(2)-(7)

12 – and, because of his exemplary performance while on probation during  
13 more than 20 of his 24 months of supervision.

14 Third, the early termination Criminal Procedure rules address whether a hearing  
15 is required on Mr. Lail’s request. FRCrP 32.1(c) provides, in subsection (1) that a hearing  
16 is necessary before modifying the conditions of probation; however, subsection (2)  
17 provides that a hearing is not required if: (A) the defendant waives the hearing, or if (B)  
18 the relief requested is favorable to the defendant and does not extend the term of  
19 probation, and (C) government counsel has received notice of the relief sought, and did  
20 not object despite having a reasonable opportunity to object. Subsections (2)(A) and (B)  
21 are satisfied, because Mr. Lail has no objection to the Court deciding his Motion without  
22 a hearing, and the relief requested is favorable to him and can shorten his probation.  
23 However, he leaves it to the Court’s discretion – and to the prosecution’s right, in  
24 subsection (2)(C), to object to early termination – whether to order a hearing on his  
25 Motion.

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DATED: May 18, 2016.

/s/ Martin H. Wiener  
MARTIN H. WIENER  
Attorney for Defendant

IT IS SO ORDERED.

IT IS SO ORDERED.



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ROBERT C. JONES

ROBERT C. JONES

DATED: This 7<sup>th</sup> day of June, 2016.

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